

**PLANNING COMMISSION MEETING AGENDA**  
JANUARY 27, 2026



723 S. Lewis Street, Room 1122  
Stillwater, OK 74074  
5:30 PM

**Chair Jana Phillips, Vice-Chair Riley Williams, Commissioner Mike Shanahan, Commissioner Mark Prather, and Commissioner David Peters.**

*NOTE: Members of the Planning Commission and City Staff will gather prior to the regular meeting in Room 1121 beginning at 5:00 PM. No Planning Commission business will be discussed or otherwise acted upon at this time. This is not a closed session, and members of the public and press are welcome to attend.*

1. Call Meeting to Order

2. General Orders

The board/committee/commission will hear a staff presentation and take action including a vote or series of votes on each item listed as presented or as amended or revised by members of the board/committee/commission unless the agenda entry specifically states no action will be taken. The requested action is indicated in each agenda entry but may be amended or revised prior to action by the board/committee/commission.

3. Public Hearing

The Planning Commission will hear public comments, discuss, and take action including a vote or series of votes on each item listed as presented or as amended by the Planning Commission unless the agenda entry specifically states that no action will be taken.

a.	Receive public comment regarding a Text Amendment to Stillwater City Code Chapter 23, Land Development Code, Article I General Provisions, Section 23-7, Definitions; Article V, Use Categories and Limitations, Division 1, Generally, Section 23-96, Definitions; Article VI, Land Use Classifications, Division 3, Residential Districts, Section 23-140, RMI (Multi-Family Intermediate) District, and Section 23-141 RMU (Multi-Family Urban) District; and Article IX, Landscaping, Screening, and Environmental Standards, Section 23-230, Generally; Repealing all ordinances to the contrary; and providing for severability.	Henry Bibelheimer
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4. Meeting Summary for Review and Possible Action

a.	Regular meeting summary of January 6, 2026.
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5. Miscellaneous Items from Staff, Planning Commissioners or City Attorney for Discussion and Possible Action:

a.	Next regular meeting is February 3, 2026.
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6. Adjourn

On \_\_\_\_\_ at \_\_\_\_\_, a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S. Lewis Street, Stillwater, OK.

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The Planning Commission may take action, including a vote or series of votes on all items listed on the agenda, unless the item specifically indicates that no action will be taken. The City of Stillwater encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, please notify the Development Services Desk at least 48 hours prior to the meeting by calling 405.742.8220.

- Meetings are televised on AT&T U-verse channel 99 and Optimum channel 14.
- Find meeting agendas and minutes online at [Agendas and Minutes](#)
- Official minutes are archived in the Office of Development Services.

**Date of Meeting:** January 27, 2026

**Subject:** Text Amendment to Chapter 23, Land Development Code, Article I General Provisions, Section 23-7, Definitions; Article V, Use Categories and Limitations, Division 1, Generally, Section 23-96, Definitions; Article VI, Land Use Classifications, Division 3, Residential Districts, Section 23-140, RMI (Multi-Family Intermediate) District, and Section 23-141 RMU (Multi-Family Urban) District; and Article IX, Landscaping, Screening, and Environmental Standards, Section 23-230, Generally.

**Purpose of Report:** City Staff request review and approval of the proposed text amendment to Chapter 23, Land Development Code, Article I General Provisions, Section 23-7, Definitions; Article V, Use Categories and Limitations, Division 1, Generally, Section 23-96, Definitions; Article VI, Land Use Classifications, Division 3, Residential Districts, Section 23-140, RMI (Multi-Family Intermediate) District, and Section 23-141 RMU (Multi-Family Urban) District; and Article IX, Landscaping, Screening, and Environmental Standards, Section 23-230, Generally.

**Background:**

Fraternity or Sorority house is currently defined in Section 23-7, general definitions, as:

*Fraternity or sorority house means any building occupied and maintained by a social association of college students and containing group living quarters wherein, for compensation and by prearrangement for definite periods; meals and/or lodging are provided exclusively for members of the organization and their guests.*

As a part of this text amendment, Fraternity or Sorority house will be moved to Section 23-96, Use Categories and Limitations Definitions, and the definition is proposed to be modified as follows:

*Fraternity or sorority house means any building occupied and maintained by a social association of college students that is affiliated with a university-recognized chapter of a fraternity or sorority and containing group living quarters wherein, for compensation and by prearrangement for definite periods; meals and/or lodging are provided exclusively for members of the organization and their guests.*

With a “Fraternity or Sorority house” now being defined as a use, Sections 23-140 and 23-141 are being modified to incorporate a fraternity or sorority house as an allowed use in both the RMI (Multi-Family Intermediate) and RMU (Multi-Family Urban) zoning districts.

Recent remodel or rebuilding of multiple fraternity and sorority houses has led to a number of Board of Adjustment variance requests to decrease the setback requirements. In some instances, existing fraternities and sororities in RMU do not meet current setback requirements. Civic Dynamics, our planning consultant, has done an analysis to show how other college towns regulate Greek houses, to see if we should modernize our regulations. Based on the results of the comparative analysis, staff chose to move forward with this proposed text amendment, which modifies the setback requirements for fraternity or sorority houses, while also incorporating design requirements to ensure a quality residential design and feel. Staff is working on an update to the Land Development Code and is proposing to move forward with this text amendment now, so that there is an adequate trial period

where we can consider incorporating an update similar to this into the updated Land Development Code.

The proposed text amendment decreases side setbacks for fraternity or sorority houses in the RMU zoning district, that do not have a common boundary with a property in any single-family residential district or use, to 5 feet. This mirrors the requirements of the RMI zoning district, and exception 23-141.e.1 will still apply, which increases the side setback three feet for each story above the first story.

The proposed text amendment also modifies exception e.3 and adds in exceptions e.5, and e.6 into the RMI (23-140) and RMU (23-141) zoning district.

- e.3 provides the method for calculating density for residential structures not divided into dwelling units. Staff proposes to simplify this calculation to be each 4 beds = 1 dwelling unit.
- e.5 is intended to require a residential appearance and requires fraternity or sorority houses to include a front porch, incorporates requirements for the street facing facades, and increased landscaping.
- e.6 limits the height of any portion of a fraternity or sorority house that is within 30 feet of a single-family zoning district, or use, to 2 stories.

Section 23-230 (f) is also incorporated into the landscape requirements, which requires one tree and ten shrubs for each 30 lineal feet of frontage. This landscaping can be spread throughout the lot or clumped together, and for corner lots, landscaping will be required for both street frontages.

**Application Processing Information:**

Applicant – City of Stillwater  
Notice – Notice in the NewsPress

**Processing Track:**

Planning Commission – January 27, 2026  
City Council – February 9, 2026

**Discussion:**

The proposed text amendment modifies the bulk regulations for Greek houses in our Land Development Code. The definition of Fraternity and Sorority House is being updated to include an affiliation with a university-recognized chapter of a fraternity or sorority, and the definition is being moved to the use definitions (23-96). The proposed text amendment is proposing a decrease in the side setback for fraternity or sorority houses in the RMU zoning district, while also incorporating design standards for fraternities and sororities in the RMI and RMU zoning districts.

**Findings:**

1. The proposed text amendment updates how the City regulates fraternity or sorority houses.
2. The proposed text amendment updates the definition of fraternity or sorority house and moves the definition to the use categories.
3. The side setback for fraternity and sorority houses in the RMU zoning district is proposed to be reduced to align with the side yard setback requirements in RMI.
4. Design standards for fraternity and sorority houses are proposed to be incorporated into the RMI and RMU district, to ensure a quality residential design.
5. Increased landscaping requirements for fraternity or sorority houses.

**Alternatives:**

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.

2. Find that additional information or discussion is needed prior to making a recommendation and table the request to a future Planning Commission meeting.
3. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

Stalls recommends alternative number 1.

**Prepared by:** Henry Bibelheimer, Senior Planner  
**Reviewed by:** David Barth, Development Services Director  
Josh Brown, Development Coordinator  
Cindy Gibson, Administrative Services Manager  
**Date of Preparation:** January 12, 2026  
**Attachments:** Draft Ordinance

ORDINANCE NO. 3590

AN ORDINANCE AMENDING STILLWATER CITY CODE CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE I, GENERAL PROVISIONS, SECTION 23-7, DEFINITIONS; ARTICLE V, USE CATEGORIES AND LIMITATIONS, DIVISION 1, GENERALLY, SECTION 23-96, DEFINITIONS; ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 3, RESIDENTIAL DISTRICTS, SECTION 23-140, RMI (MULTI-FAMILY INTERMEDIATE) DISTRICT, AND SECTION 23-141 RMU (MULTI-FAMILY URBAN) DISTRICT; AND ARTICLE IX, LANDSCAPING, SCREENING, AND ENVIRONMENTAL STANDARDS, SECTION 23-230, GENERALLY; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

**SECTION 1:** That Stillwater City Code, Chapter 23, "Land Development Code", Article I, "General Provisions", Section 23-7, "Definitions", be amended to remove the definition of "Fraternity or sorority house" as follows:

**Sec. 23-7. - Definitions. (general)**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abut* means the boundary of a parcel of land lies in immediate proximity to, or is contiguous with, another parcel, but does not physically touch or adjoin such parcel.

*Accessory building or structure* means a building or structure customarily incidental and secondary to, and located on the same lot as, the principal building or structure.

*Accessory use* means a use customarily incidental and secondary to, and located on the same lot as, the principal use of a building, structure, or land.

*Adjacent* means the boundary of a parcel of land actually touches the boundary of another parcel of land, exclusive of the area of any intervening right-of-way.

*Administrative officer* means an employee of the city.

*Adverse impact* means when the action of one property owner creates harm to another property owner by increasing flood peaks, flood stage, flood velocity or by causing erosion and/or sedimentation or other damage.

*Airport* means the city regional airport.

*Alley* means a public way which gives a secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public utility purposes, but is not primarily intended for general traffic circulation and may be utilized in residential, commercial and industrial districts.

*Ambulatory surgical center or facility* means an establishment with an organized medical staff of physicians, with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures, with continuous physician services available on call, and registered professional nursing services available on site, whenever a patient is in the facility, which provides services or other accommodations for patients to recover for a period of not to exceed 23 hours after surgery (as defined by the ambulatory surgical center regulations, title 310, chapter 615, Oklahoma Administrative Code, state department of human services).

*Animal clinic* means an establishment organized with a licensed medical staff to care for animals on an outpatient basis and which operations are conducted entirely within an enclosed building.

*Annexation* means the process of expanding or extending the corporate boundaries of the city.

*Appeal* means a request for review of a decision, action, or interpretation with respect to ordinances, regulations, or policies as adopted by the city.

*Awning* means a framed structure, supported from the exterior wall of a building, which can be retracted, folded, collapsed or remains stationary as a part of the building.

*Berm* means a mound or bank of earth covered with either grass or other plant material designed to provide a screen between incompatible uses and/or decrease noise intrusion.

*Block* means a continuous group of lots separated by street rights-of-way. Also, a continuous group of lots comprising a portion of a platted subdivision, used for identification purposes.

*Board of adjustment* means the city board of adjustment.

*Buffer* means land area used to:

1. Visibly separate one use from another through screening and distance;
2. Shield or block noise, light, glare, or visual or other conditions;
3. Minimize physical passage to nonsimilar areas;

4. Reduce air pollution, dust, dirt and litter.

*Buffer strip* means the landscaped portion of a lot or parcel of land between the developing/developed area and the property line.

*Buildable area* means all of that portion of a lot, tract, or parcel of land which remains after the minimum yard, easement, and open space requirements of this chapter have been met.

*Building* means any structure, having a roof supported by columns or walls, used or intended for support, enclosure, or shelter of any use or occupancy.

*Building code* means the various codes of building design, construction, and maintenance as adopted by ordinance.

*Building frontage* means the side of a building which contains a primary entrance and/or abuts a street, excluding an alley. When the entrance is located at an angle on the corner of the building, one side must be designated as the frontage.

*Building line* means a line representing the inner edge of any required yard or required setback and the corresponding outer edge of the buildable area beyond which a building shall not extend, except as specifically provided herein.

*Building official* means the officer or other designated authority charged with the administration and implementation of the applicable building codes of the city.

*Building site* means land occupied or intended to be occupied by a building, together with all open space required herein, which is located on a lot that has been lawfully created and meets all criteria for its intended use.

*Caliper* means the diameter of the tree trunk measured at a specified distance above ground.

*Canopy* means a functional rigid roof-like, multisided, shelter structure which is wholly or partially supported by a building structure and/or columns, braces, or poles extending to the ground.

*Canopy tree* means a tree that, under normal forest conditions, will compose the top layer of vegetation and generally will reach a mature height of greater than 40 feet.

*Car length* means, for the purposes of measuring, 19 feet.

*Carport* means a roofed structure providing space for the parking or storage of motor vehicles that is open on two or more sides.

*Cash escrow* means funds placed in escrow at a solvent state financial institution, which can be drawn on to complete the improvements for a subdivision of land or a land development project in case of default by the subdivider/developer.

*City drainage standards* means the stormwater management specifications and standards as adopted by the city council.

*City standards* means the engineering design criteria, construction standards, and standard details as approved by resolution of the city council.

*Commercial minor subdivision* means any resubdivision, reorganization, combination or division of nonresidential land.

*Common area or facility* means a portion of a development, subdivision, lot, or structure used in common by two or more owners or tenants of other portions of such development, subdivision, lot or structure.

*Common open space* means a common area which is not enclosed in a building.

*Comprehensive plan* means the city comprehensive community development plan.

*Corner lot* means a lot or parcel of land abutting upon two or more streets or rights-of-way at their intersection, or upon two parts of the same street or right-of-way forming an interior angle of less than 135 degrees.

*Corporation commission* means the corporation commission of the state.

*Cul-de-sac or cul-de-sac street* means a minor street having one end open to vehicular traffic and having one end terminated by a turnaround, of which design complies with the standards as adopted or referenced by the city.

*Deciduous* means a plant with foliage that is shed annually.

*Density* means the amount or quantity of something per unit measure. The number of units in a given land or building area.

*Gross density:* A units-per-acre (upa) density measurement that includes in the calculation all land occupied by use, right-of-way or easement, recreational activity, civic activity, building, parking, landscaping, and any other improvement necessary for the development.

*Net density:* A units-per-acre (upa) density measurement that includes in the calculation only land occupied by the use(s) and the improvements required for the development to occur. Typically 80 percent of the gross acreage remains available for development.

*Population density:* A persons-per-acre density measurement that calculates the number of persons residing within an area equal to one acre of land.

*Detached emergency shelter* means an accessory building not attached to or part of another building, and which is designed and intended for temporary human habitation during periods of violent storms or emergency situations.

*Detached solar collector* means an exterior accessory device not attached to or part of a building, which is specifically designed and intended to provide a net energy gain by transferring, storing or converting solar radiation for the purpose of heating or electricity generation.

*Detention* means the temporary storage and controlled release of stormwater runoff.

*Detention facility* means a facility that provides temporary storage of stormwater runoff and controlled release of such runoff.

*Developer* means any person, firm, or entity engaged in the development of property or planning of property for development.

*Development* means any manmade change to land including, but not limited to:

1. The addition of impervious surfaces, construction, mining, dredging, filling, excavation or drilling operations;
2. The installation of utility mains, buildings/structures or other improvements on any lot, parcel or tract of land.

*Development area* means the area of a lot or parcel that is utilized for the purpose of development.

*Development code or land development code* means this chapter.

*Development project or land development project* means any proposal for development within the jurisdictional boundaries of the city.

*Development services department* means a city department charged with the oversight of development.

*Disposal well* means any well drilled or actually used for injection of saltwater or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth.

*District* means a zoning district or supplemental district, depending on the context.

*District regulations* means the provisions of this chapter contained in article VI of this chapter.

*Double frontage lot* means a lot which runs through a block from street to street and which abuts two or more streets, but not a corner lot.

*Drainage facilities* means all elements necessary to store, control, and/or convey stormwater runoff. Said drainage facilities shall consist of both public and private storm sewers (closed conduits), channels, watercourses, sedimentation facilities, areas covered by drainage easements for the purpose of providing overland flow, and all appurtenances to the foregoing, including inlets, manholes, junction boxes, headwalls, dissipaters, culverts, detention facilities and the like.

*Drainage plan* means final construction drawings with sufficient information related to the proposed stormwater facilities for a site to allow determination that the facilities will function as designed in the final drainage study for the proposed site.

*Drainage standards* means the criteria, standards and specifications for stormwater management, sediment and erosion control, and earth changes adopted by the city. The term "city drainage standards" includes all standards currently contained in the city standards.

*Drainage study* means an engineering analysis, prepared by a licensed professional engineer, of the hydrologic and hydraulic characteristics of a site or development.

*Drilling* means digging or boring a hole in the earth for purposes of exploring for, developing or producing oil, gas, and other hydrocarbons. The term "drilling" includes all operations through the completion of a well.

*Drilling site* means the premises used during the drilling, maintaining, operating, and producing of a well or wells located thereupon.

*Dwelling* means any building or portion thereof which is used as living quarters for one or more families.

*Dwelling unit* means one or more rooms in a residential building or residential portion of a building forming a single habitable unit with provisions for cooking, sleeping and sanitary facilities for the exclusive use of a single family maintaining a household.

*Earth change* means excavating, grading, regarding, landfilling, berming or diking of land within the jurisdictional area of the city.

*Easement* means a right of use over the property of another. A strip or portion of land wherein the public, the city, a corporation, or other persons, have been granted a right of use by a property owner for a public or specific purposes, such as, but not limited to, construction, installation and/or maintenance of streets, sidewalks or utilities.

**State Law reference—** Easement, 60 O.S. § 49.

*Enclosed parking* means off-street vehicle parking spaces located inside a garage or other building or portion thereof having at least 50 percent of the exterior facade on all sides constructed of opaque materials.

*Evergreen* means a plant with foliage that remains green yearround.

*Facility* means a structure or equipment built, installed, or established to serve a particular purpose.

*Family child care home.*

1. The term "family child care home" means one that is licensed to provide care and supervision for no more than seven children for any portion of a 24-hour period.
2. The term "family child care home" does not include:
  - a. Informal arrangements which parents make independently with neighbors, friends and others;
  - b. Caretakers in the child's own home; and
  - c. Nursery schools, kindergartens or other facilities of which the purpose is primarily educational, recreational or medical treatment.

*Final plat* means a map of land subdivision prepared in a form suitable for:

1. Filing of record with necessary affidavits, certifications, dedications and acceptances; and
2. Delineating the layout of such subdivision as required herein.

*Flag lot* means a lot in the approximate configuration of a flag pole or sign post, with a pole or post functioning primarily as an access way to the main body, or flag, of the lot from the street. All lot size, bulk standards, and lot coverage requirements apply only to the flag portion of the lot.

~~*Fraternity or sorority house* means any building occupied and maintained by a social association of college students and containing group living quarters wherein, for compensation and by prearrangement for definite periods, meals and/or lodging are provided exclusively for members of the organization and their guests.~~

*Front building line* means the front setback line or a point at which the lot reaches the required lot width in the case of a flag lot.

*Front lot line* means the property line separating the front yard of a lot from an abutting street right-of-way. The street, roadway or access easement line shall be considered the front lot line for lots located on private streets.

*Front yard* means a yard extending across a lot between the side lot lines, and measured as the minimum horizontal distance between a front lot line and the nearest portion of the principal building. Both yards abutting a street shall each be considered a front yard on corner and double frontage lots.

*Garage* means a roofed building, or other structure, or part thereof, used or intended to provide enclosed parking or storage spaces for vehicles.

*Grade* means the average level of the finished surface of the ground adjacent to the exterior of a building or structure.

*Gross floor area* means the sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

*Gross leasable area* means the total floor area for which tenants pay rent that is designated for the tenants occupancy and exclusive use.

*Ground cover* means evergreen or deciduous planting less than 24 inches in height, excluding turf grass.

*Hardscape* means nonliving or hard materials used to augment the beauty and function of a landscaped area. The term "hardscape" may include, but is not limited to brick, stone or rock walls, fountains, ponds, pools, planters or retaining walls.

*Height* means, except as otherwise noted, the vertical distance from the average elevation of that portion of a lot covered by a building or other structure to the highest point of the building or structure, but not including all or portions of attached nonhabitable structures exempted herein.

*Home occupation* means an occupation, profession, activity, or use that is an incidental and secondary use of a residential dwelling unit, or accessory structure located on the same lot as the dwelling unit, that does not alter the exterior of the property or affect the residential character of the neighborhood.

*Homebuilder* means any person who engages in the construction of dwellings.

*Hospital* means any institution, place, building or agency, public or private whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted for overnight stay or longer in order to obtain medical care, surgical care, obstetrical care, or nursing care for illness, disease, injury, infirmity, or deformity. All places where pregnant females are admitted and receive care incident to pregnancy or delivery shall be considered to be a hospital within the meaning of this chapter, regardless of the number of patients received or the duration of their stay. The term "hospital" includes, but is not limited to,

general medical surgical hospitals, specialized hospitals, critical access and emergency hospitals, and birthing centers (as defined by hospital standards, title 310, Oklahoma Administrative Code, chapter 667, Oklahoma State Department of Human Services).

*Improvements* means permanent amenities that are required to serve a subdivision of land or a land development project including streets (both public and private), traffic control devices, sidewalks, water distribution systems, sanitary sewer collection systems, sanitary sewer pretreatment facilities, if required, and storm drainage collection and conveyance systems including stormwater detention or retention ponds. For the purpose of this definition, the term "streets" do not include private parking lots or private drive aisles that are located within or serve private parking lots.

*Intensity* means the degree of impact associated with one or more uses (e.g., noise, traffic, lighting, size of structures, etc.) such that greater degrees are considered higher intensity.

*Interior lot* means a lot other than a corner lot.

*Irrevocable letter of credit* means a commitment from a state or federally chartered financial institution, to provide funding to complete the improvements for a subdivision of land or a land development project in case of default by the subdivider/developer.

*Kennel* means the use of land or building for the purpose of breeding, boarding or training small animals such as cats and dogs.

*Land use* means a description of how land is or may be occupied or utilized.

*Land use application* means a formal request for approval of a land development project.

*Landscape plan* means the preparation of graphic and written criteria, specifications, and detailed landscape plans to arrange and modify natural features such as plantings, ground and water forms, circulation, walks, irrigation, landscape lighting, erosion control, on-site drainage and other features to comply with the provisions herein.

*Landscaping* means the use of softscape, such as any living organic plant material, that includes:

1. Trees, shrubs, flowers, ground cover, vegetation, vines or grass;
2. The use of hardscape such as planters, decorative pavings/sidewalks, brick, arbors/trellises, fountains; or
3. The combination of both softscape and hardscape.

*Large family child care home* means a family child care home licensed to provide care and supervision for eight to 12 children for any portion of a 24-hour period.

*Legally nonconforming lot/parcel* means a lot or parcel that lawfully existed prior to the adoption, revision or amendment of this chapter, but which fails by reason of such adoption, revision or amendment to conform to standards and/or requirements of the district wherein it is located.

*Legally nonconforming structure* means an existing structure that does not meet the applicable setback, lot coverage, or height requirements of the district wherein it is currently located, but did meet the applicable standards and/or requirements at the time it was constructed.

*Legally nonconforming use* means a legally existing use of a structure or land that is not permitted in the district in which it is currently located, but was permitted when it was established.

*Lot* means a parcel of land on a plat that is separately owned and capable of being separately conveyed.

*Lot area* means the total horizontal area bounded by the exterior lines of a lot.

*Lot combination* means the act of combining adjoining lots or a lot and an adjoining portion of a lot for the purpose of establishing one lot.

*Lot coverage* means the percentage of the lot area that is occupied by principal and accessory buildings.

*Lot depth* means the average horizontal distance between front and rear lot lines of a lot.

*Lot frontage* means the length of lot line adjacent to a right-of-way or right-of-way easement.

*Lot line* means a line of record bounding a lot which divides one lot from another lot, or from a public or private street.

*Lot of record* means a lot which exists as shown on a subdivision plat recorded in the office of the county clerk, or a lot or parcel described by metes and bounds or by aliquot, the description of which has been so recorded.

*Lot split* means a simple division of one lot that creates a lot and either a nonbuildable parcel or an outlot.

*Lot width* means the horizontal distance between the side lot lines of a lot located and measured at the front lot line.

*Manufactured home* means a residential dwelling unit constructed in one or more sections and built in accordance with National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq.

*Minor amendment* means an alteration of an approved plan.

*Minor improvement* means changes or additions to an existing building, structure or site not involving structural alteration, enlarged floor area or increased occupancy, and not substantially affecting the existing use or exterior appearance.

*Minor structure* means any uninhabitable structure having dimensions not greater than 200 square feet that is not permanently affixed to the ground.

*Minor subdivision* means any resubdivision, reorganization, or division of land which shall contain not more than three lots and further shall not adversely affect the development of the remainder of the parcel or adjoining property and shall not be in conflict with any provision or portion of the comprehensive plan, land development code, or other applicable ordinance or regulation of the city.

*Mixed use* means the use of a lot or of a building with a variety of complementary and integrated uses such as, but not limited to, residential, office retail, public or entertainment.

*Mobile home* means a residential dwelling fabricated in an off-site manufacturing facility, designed to be a permanent residence, but which is still transportable, that was built prior to the enacting of the National Manufactured Housing Construction and Safety standards Act of 1974, 42 USC 5401.

*Mobile home park* means land or property that is used or intended to be used or rented for temporary occupancy by more than two mobile homes, including all necessary utilities, streets, and other common amenities.

*Mobile home space* means a platted parcel, lot, or tract of land within a mobile home park designed to accommodate an individual mobile home.

*Modular home* means a relocatable living unit manufactured off-site and transported, on an independent carrier unit, to a permanent site which has been constructed in accordance with an Engineering Bulletin issued by the Office of Technical Standards, Department of Housing and Urban Development, Washington, D.C.

*Net floor area* means the total of all floor areas of a building, excluding stairwells and elevator shafts, mechanical equipment rooms, incidental storage areas, interior vehicle parking or loading, and basement areas not used or intended to be used for human habitation or service to the public.

*Off-street parking* means a storage area for one or more vehicles, legally accessible from a street that is not located within a right-of-way or road easement.

*Oil or gas well* means any well drilled, operated, or maintained for the production of oil, gas, casing head gas, or any of them, or their byproducts or derivations.

*On-street parking* means a temporary storage area for one or more vehicles that is located, partially or wholly, within the right-of-way or road easement.

*Open space* means a parcel or area of land that is not enclosed in a building, and which is dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land neighboring such open space.

*Outlot* means a lot that does not meet the minimum zoning requirements and is specifically set aside for greenspace, common area, or drainage purposes only; a lot not meeting the minimum zoning requirements and being combined with an adjacent and adjoining lot.

*Parcel* means a part or portion of land.

*Parking area* means off-street parking spaces, together with required associated driveways, aisles and landscaping.

*Performance bond* means a bond issued by a surety or insurance company licensed to conduct business in the state and not rated less than "A" by the A.M. Best Company to ensure completion of the improvements for a subdivision of land or development project in case of default by the subdivider/developer.

*Performance guarantee* means a financial guarantee, in the form of an irrevocable letter of credit, a cash escrow, or a surety bond, that all of the required improvements for a subdivision of land or a development project will be completed in accordance with the provisions of this chapter.

*Permitted use* means a use permitted by right in a zoning district.

*Person* means an association, company, corporation, firm, or organization, as well as an individual, unless the context indicates that the term refers only to an individual. The term "person" includes an assignee, receiver, trustee, or similar authorized representative of any of the named entities.

*Planned unit development (PUD)* means a development as defined by 11 O.S. § 43-110 and article XV of this chapter.

*Planning commission* means the city planning commission.

*Point of service* means the first point in the forward vehicle flow at which a product consumer places a request for the service provided on site. The term "point of service" includes menu boards where consumers communicate with on-site employees through electronic communication or direct person-to-person service.

*Preliminary plat* means a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the relationship of the proposed subdivision to topography, existing streets, drainage facilities, and utilities, existing easements of record, the comprehensive plan, existing urban development and zoning, and to indicate the nature of the land planning design.

*Principal building* means the building wherein the principal use of the lot or parcel on which it is situated is conducted.

*Principal use* means the main or primary purpose for which a building, other structure, and/or lot or parcel is designed, arranged, or intended, or for which they may be used, occupied, or maintained.

*Private street or drive* means a street in a common area of a mobile home park, planned development or other development that serves more than one lot or parcel or facility, which is not located in a dedicated public right-of-way, but is constructed to the minimum standards of the city.

*Property* means any land legally owned by a person or entity.

*Property line* means the exterior boundary of a property.

*Public street* means any thoroughfare, other than an alley, located within a public way which affords the primary means of access to abutting property.

*Public way* means a parcel of land that has been deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Queue* means the actual stacking of vehicles in a line for service.

*Rear lot line* means the property line which is on the opposite end of a lot from the front lot line that separates the rear yard of the lot from an abutting lot.

*Rear yard* means a yard extending across a lot between the side lot lines, measured as the minimum horizontal distance between a rear lot line and the nearest portion of the principal building. The rear yard shall be at the opposite end of the lot from the front yard, with the exception of corner or odd shaped lots.

*Record drawings* means drawings specifying the locations, dimensions, and elevations of improvements as constructed.

*Recreational vehicle* means any vehicular portable structure with an overall length not exceeding 32 feet, used as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or built on a chassis and drawn by a motor vehicle. The term "recreational vehicle" includes those vehicles commonly known and referred to as travel trailers, campers, and motor homes.

*Recreational vehicle (RV) park* means the area of land used for the temporary accommodations for recreational vehicles including the sites and spaces for RVs, incidental services, and facilities intended for the convenience of guests.

*Redevelopment* means the reconstruction, alteration, preservation, or replacement of any or all structures and uses of an existing facility, development, subdivision, or portion thereof.

*Regional detention* means a stormwater detention facility that is designed to regulate the discharge of storm runoff from various drainage basins, multiple parcels of land or multiple land development projects throughout the community.

*Remodel* means structural and/or aesthetic alteration, but not enlargement or redevelopment, of a building.

*Residential design, manufactured home* means a manufactured home that is architecturally compatible in appearance to neighboring conventionally built dwellings.

*Right-of-way* means a strip of land, the ownership and/or maintenance of which is conveyed by dedication, prescription or condemnation for railroad, utility and/or public street purposes.

*Satellite TV dish antenna* means a device, commonly parabolic in shape, mounted at a fixed point on the ground or on a building for the purpose of receiving television signals transmitted via satellite communications facilities, and serving the same or similar function as the common television antenna.

*Screening* means a method of visually shielding or obscuring one abutting lot, structure or use from another by fencing, walls, berms, densely planted vegetation or the like.

*Setback* means the required minimum distance between a structure and any lot line of the lot on which the structure is located. Whenever a lot contains a right-of-way or an access easement, the setback measurement shall not include the area of the right-of-way or access easement.

*Shrub* means a woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk.

*Side lot line* means any property line other than a front or rear lot line.

*Side yard* means a yard extending across a lot between the front and rear lot lines, and measured as the minimum horizontal distance between a side lot line and the nearest portion of the principal building.

*Sidewalk cafe* means the use of a portion of a public right-of-way normally reserved for pedestrian use as a place for patrons of an eating establishment on the adjacent lot to sit and consume food and/or drink.

*Sight triangle* means an area described at the intersection of two streets, or a street and driveway or alley, which must remain clear of obstructions in order to facilitate vehicular safety.

*Single-family home* means a dwelling unit occupied by a single family.

*Special exception* means an exception to, or exemption from, certain provisions of this chapter.

*Specific use* means land use which is subject to review and approval procedures prior to establishment in a particular zoning district.

*Story* means that portion of a building, other than a basement, between the surface of any floor and the surface of the floor next above it or, if there is not a floor above it, the space between the floor and the ceiling next above it.

*Street* means any public or private thoroughfare other than an alley, which affords the primary means of access to abutting property.

*Street frontage* means the property line which abuts a street.

*Structural alteration* means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

*Structurally sound* means any structure not considered dilapidated.

*Structure* means anything constructed or erected.

*Studio apartment* means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

*Subdivider* means any person subdividing or proposing to subdivide land as herein defined.

*Subdivision* means the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. The term "subdivision" includes resubdivision and

when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

*Temporary structure* means a structure without any foundation or footings, which is removed when the designated time period, activity, or use, for which the temporary structure was erected, has ceased.

*Temporary use* means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

*Text amendment* means an amendment or change to the regulations or restrictions of this chapter.

*Through lot or double frontage lot* means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

*Tree* means any self-supporting woody plant having one or more defined stems or trunks in a caliper of two inches or more and having a defined crown which customarily attains a mature height of eight feet or greater.

*Unenclosed parking* means off-street vehicle parking spaces located outside of any building or structure, or within a structure or portion thereof having less than 50 percent of the exterior facade on all sides constructed of opaque materials.

*Unit (condominium) ownership* means ownership of an individual unit located within a multiunit building or multibuilding development pursuant to the Unit Ownership Estate Act, 60 O.S. § 501 et seq.

*Use category* means the title assigned to a group of specific uses having similar characteristics for the purpose of determining in which districts the various land uses are permitted.

*Use condition* means a requirement imposed as a condition of approval as determined by the planning commission or the city council.

*Use permitted by right* means a use permitted in a zoning district without any special review and approval procedures, but subject to any restrictions or use standards which are applicable to that use and zoning district.

*Use, special or specific.* See *Specific use permit*.

*Utility, private,* means a nongovernmental body operating a utility.

*Utility, public,* means a governmental body operating a utility.

*Variance* means a grant of relief, by the appropriate body, from the requirements of this chapter when specific enforcement would result in an unnecessary hardship.

*Vet clinic/hospital* means an establishment operated by a licensed medical staff and used exclusively for the care and treatment of animals, including incidental overnight boarding facilities and incidental outdoor run areas.

*Visual screen* means a physical barrier consisting of live plant material, natural and manmade materials, or a combination thereof that is used to visually separate two areas or incompatible uses from one another.

*Wind energy electricity generator* means an electricity generator which operates by the force of the wind on mechanical components attached to the generator, and which is mounted on a tower or other structure to facilitate a proper orientation with respect to the wind.

*Yard* means an open space that lies between a building and adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter.

*Zoning district* means a specifically delineated area or district within which regulations and requirements uniformly govern the use, placement, spacing, and size of land, buildings, and other structures.

*Zoning map* means the map which is a part of the zoning regulations and delineates the boundaries of zoning districts and supplemental districts.

**SECTION 2:** That Stillwater City Code, Chapter 23, “Land Development Code”, Article V, “Use Categories and Limitations”, Division 1, “Generally”, Section 23-96, “Definitions”, be amended to add the definition of “Fraternity or sorority house” as follows:

**Sec. 23-96. - Definitions. (Principal use category classification)**

Individual uses are defined as follows:

*Accommodation* means establishments that provide customers with lodging on a transient basis, including hotels, motels, bed and breakfasts and shelters.

*Adult business* means a specific range of establishments that provide customers with products, services, materials, entertainment venues, or activities as set forth in section 23-145(a).

*Agriculture, forestry, fishing and hunting* means establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats. These establishments are often described as farms, ranches, dairies, greenhouses, nurseries, orchards, or hatcheries.

*Animal and pet keeping services* means establishments that operate facilities to meet the needs of animals and pet keeping, such as animal clinics, vet hospitals, kennels, and stables.

*Arts and entertainment* means a wide range of establishments that operate facilities or provide services to meet varied cultural and entertainment interests of their patrons; this category is comprised of establishments that are involved in producing, promoting, or participating in live performances, events or exhibits intended for public viewing and those establishments that preserve and exhibit objects and sites of historical, cultural, or educational interest.

*Beverage services* means establishments that provide customers with beverages for immediate consumption; the primary revenue of such establishments is derived from the sale of beverages.

*Boardinghouse/roominghouse* means a building where, for compensation and by prearrangement for definite periods, sleeping and living quarters, and/or meals (but not individual cooking facilities) are provided to three or more, but not exceeding 40 persons.

*Chemical manufacturing* means establishments engaged in the transformation of organic and inorganic raw materials by a chemical process and the formulation of products.

*Child and adult care services* means licensed establishments engaged in providing day services and/or treatment for adults or children, but not residential service. These are more specifically identified as family child care home, large child care home, and child care centers.

*Churches and religious institutions* means establishments engaged in providing church and religious services and activities.

*Collocation* means the mounting or installation of transmission equipment on an existing telecommunications tower or other support structure for the purpose of transmitting and/or receiving radio frequency signals for providing telecommunications services.

*Communication services* mean businesses, facilities or establishments which house or operate networked computers and data and transaction processing equipment and support equipment, including, without limitation, power and cooling equipment, used to provide data and transaction processing services, including, without limitation, all activities described by category 518210 of the North American Industrial Classification System (NAICS), as published in 2002 and all subsequently published iterations; provided also that this category shall include all facilities for ancillary office, administrative, or utility service uses involved in or related to any services or activities described in this category, whether taking place in the same or appurtenant buildings, facilities, or structures, including without limitation electrical substations.

*Computer and electronic product manufacturing and electrical equipment, appliance, and component manufacturing* means establishments engaged in the manufacture of computers, computer peripherals, communications equipment, and similar electronic products and components for such similar electronic products, or the manufacture of products that generate, distribute and use electrical power.

*Construction* means establishments engaged in the residential and nonresidential construction of buildings, in heavy and civil engineering, and in specialty trade contracting such as building equipment contractors.

*Conventional single-family, detached or zero lot-line* means one dwelling unit, freestanding and structurally separated building, located on a lot or building site that is unoccupied by any other dwelling unit or principal structure.

*Educational services, establishments, educational institutions and educational facilities* mean establishments that provide instruction and training in a wide variety of subjects and by specialized establishments such as schools, colleges, universities, and training centers which may be privately owned and operated for profit or not for profit, or they may be publicly owned and operated.

*Financial institutions and services* means establishments engaged in financial transactions (transactions involving the creation, liquidation, or change in ownership of financial assets) and/or in facilitating financial transactions.

*Food, beverage and tobacco product manufacturing* means establishments that transform livestock and agricultural products into products for intermediate or final consumption and are distinguished by the raw materials processed into food products; manufacturing of beverages and tobacco products in the following establishments:

1. Those that manufacture nonalcoholic beverages;
2. Those that manufacture alcoholic beverages through the fermentation process;
3. Those that produce distilled alcoholic beverages;
4. Those engaged in redrying and stemming tobacco; and
5. Those that manufacture tobacco products such as cigarettes and cigars.

*Food services* means establishments that provide customers with meals or snacks for immediate consumption; the primary revenue of such establishments is derived from the sale of food.

*Fraternity or sorority house* means any building occupied and maintained by a social association of college students that is affiliated with a university-recognized chapter of a fraternity or sorority and containing group living quarters wherein, for compensation and by prearrangement for definite periods; meals and/or lodging are provided exclusively for members of the organization and their guests.

*Freestanding self-service facilities* means any self-service use including, but not limited to, automatic bank teller machines, postal vending and depository facilities, or newspaper vending machines, which are located in freestanding structures devoted solely to such use either on a separate lot or as an accessory use within a complex of buildings.

*Furniture and related product manufacturing* means establishments that make furniture and related articles such as mattresses, window blinds, cabinets, and fixtures using processes

such as cutting, bending, molding, laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan.

*Health care and social assistance* means establishments providing health care and social assistance for individuals on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, and finally with those providing only social assistance; this category includes nursing and residential care facilities, ambulatory surgical care facilities, and hospitals.

*Information* means establishments engaged in printing and publishing industries and in telecommunications.

*Leather and allied product manufacturing* means establishments that transform hides into leather by tanning or curing and fabricating the leather into products for final consumption.

*Machinery part manufacturing* means establishments that create end products that apply mechanical force, such as the application of gears and levers, to perform work. Although processes are similar to fabricated metal products manufacturing, this machinery manufacturing typically employs multiple metal forming processes.

*Manufactured home* means that term as defined in section 23-7.

*Medical marijuana commercial grower* means a grower as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations. Commercial grower operations can be either indoor or outdoor operations.

*Medical marijuana dispensary* means a retailer as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations.

*Medical marijuana processing* means a process or processor as defined in Title 63 Oklahoma Statutes and applicable Oklahoma Department of Health or other regulatory agency rules and regulations.

*Mining establishments* means establishments that extract naturally occurring mineral solids, including but not limited to coal and ores; liquid minerals, including but not limited to crude petroleum; and gases, including but not limited to natural gas. The term "mining establishments" includes quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.

*Miscellaneous manufacturing* means businesses that make a wide range of products not otherwise classified.

*Mixed use* means one or more dwelling units located, in the rear or second floor, in a building in which the first floor is utilized primarily by a commercial use at the building front or storefront, and where such commercial use is permitted in the zoning district.

*Modular home* means that term as defined in section 23-7.

*Mobile home* means that term as defined in section 23-7.

*Multifamily* means three or more dwelling units contained within one building that is freestanding and structurally separated from any other building or group of dwelling units but are located on the same lot.

*Nonmetallic mineral product manufacturing* means establishments that transform mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing; heat is often used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product.

*Oil and gas industry services* means businesses which provide support to the oil and gas industry operations including offices, storage and repair of equipment and vehicles, parking of vehicles or equipment. Such uses shall not include drilling, refining and storage, transloading or transportation of petroleum or gas products, bi-products or waste.

*Paper manufacturing* means establishments that make pulp, paper, or converted paper products including:

1. The separating of the cellulose fibers from other impurities in wood or used paper;
2. Matting these fibers into a sheet;
3. Cutting and shaping techniques that includes coating and laminating activities.

*Parking lot/garage* means an open, hard-surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

*Personal and laundry services* means establishments engaged in providing personal and laundry services such as health and beauty parlors, massage parlors, dry-cleaning, and pet grooming (not boarding and/or training).

*Personal storage and warehousing* means facilities providing indoor personal storage and warehousing and as an accessory to such use, outdoor storage of personal vehicles, recreational vehicles and watercraft displaying current and valid registration, provided, such outdoor storage does not occupy an area larger than 30 percent of the indoor floor area provided for the primary use.

*Petroleum and coal products manufacturing* means establishments that transform crude petroleum and coal into usable products with the dominant process being petroleum refining that involves the separation of crude petroleum into component products through such techniques as cracking and distillation.

*Plastics and rubber products manufacturing* means establishments that make goods by processing plastics materials and raw rubber. The core technology employed is that of plastics or rubber product production.

*Primary metal manufacturing and fabricated metal products manufacturing* means establishments engaged in the smelting and/or refining of ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques; the manufacture of metal alloys and super alloys by introducing other chemical elements to pure metals; or transforming metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture or treating metals and metal formed products fabricated elsewhere. Processes include forging, stamping, bending, forming, and machining used to shape individual pieces of metal; and welding and assembling used to join separate parts together.

*Professional and administrative offices and services* means establishments that specialize in providing professional, scientific, administrative, management, employment, real estate, or technical activities or services.

*Public administration and service* means federal, state and local government agencies that administer, oversee, and manage public programs and have executive, legislative, or judicial authority over other institutions within a given area. The term includes police and fire services.

*Recreation* means a wide range of establishments that operate facilities or provide services to meet varied recreational interests of their patrons and establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.

*Research and development* means establishments engaged in the research or research and development of innovative ideas in technology-intensive fields. The term includes research and development of computer software, information systems, communications systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

*Residential design manufactured home* means that term as defined in section 23-7.

*Retail trade* means establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Retailers are organized to sell merchandise in small quantities to the general public with extensive displays of merchandise and utilizing mass-media advertising to attract customers.

*Small cell facility* means a low-powered wireless base station which functions much in the same way as larger cells in a wide-area, mobile wireless network that are typically installed relatively high on a telecommunications tower, to provide signal coverage to a large geographic area. Small cells facilities cover a smaller, targeted, localized area to provide connectivity to wireless network subscribers in areas that typically present capacity and coverage challenges to traditional wide-area wireless networks. Small cell facilities are smaller in size and thus are more conducive to collocation on an existing support structure or installation on a private utility's, single-use utility pole erected for the sole or primary purpose of supporting a small cell facility.

*Telecommunications tower* means any freestanding structure, other than a utility pole, built or used for the sole or primary purpose of supporting antennas and their associated facilities, licensed or authorized by the Federal Communications Commission, particularly including structures that are constructed for wireless communications services and also including, but

not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

*Textile mills, textile product mills, and apparel manufacturing* means establishments that transform a basic fiber (natural or synthetic) into a product, such as yarn or fabric, that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption. Main processes include preparation and spinning of fiber, knitting or weaving of fabric, and the finishing of the textile. The term includes establishments that make textile products (except apparel) by generally cutting and sewing (e.g., purchasing fabric and cutting and sewing to make nonapparel textile products such as sheets and towels). Processes include cutting and sewing and the manufacture of garments in establishments that first knit fabric and then cutting and sewing the fabric into a garment.

*Townhome* means a row or group of independent single-family units, located on individual lots or on a common building site. Each unit has independent access to the outside, is not located over another unit, and is separated from any other unit by one or more common fire walls along the common property boundary or unit boundary.

*Transportation activities* means establishments providing transportation of passengers and cargo, scenic and sightseeing transportation and support activities related to modes of transportation, whether by air, rail, water, road, or pipeline.

*Transportation and equipment manufacturing* means establishments that produce equipment for transporting people and goods.

*Two-family* means a building (duplex) located on a lot or building site that is unoccupied by any other principal structure, and which provides independent living facilities for occupancy by two families such that the two dwelling units are placed adjacent to one another with structural parts touching.

*Utility or utilities* means establishments engaged in the provision of the following utility services: electric power, natural gas, steam supply, water supply, sewage removal and telecommunications services. Specific activities associated with the utility services provided by utilities include the following:

1. Electric power includes generation, transmission, and distribution;
2. Natural gas includes distribution;
3. Steam supply includes provision and/or distribution;
4. Water supply includes treatment and distribution
5. Sewage removal includes collection, treatment, and disposal of waste through sewer systems and sewage treatment facilities; and
6. Telecommunications includes the transmission of signs, signals, messages, words, writings, images and sounds or information of any nature by wire, radio, optical or other electromagnetic systems.

*Utility pole* means a long, slender, generally vertical and usually cylindrical object, other than a telecommunications tower, that is or may be used in whole or in part by a public or private utility for wireline, wireless or optical telecommunications, electrical distribution, lighting, traffic control, signage or similar functions.

*Vehicle/equipment sales, rental, and service* means establishments primarily engaged in the sale or rental of personal or commercial vehicles and equipment and which includes incidental maintenance and repair facilities; and establishments that sell, install, and service vehicle equipment and parts, including body repairs and painting.

*Warehousing and storage* means establishments engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These industries do not sell the goods they handle but can provide logistical services related to the distribution of goods.

*Waste management and remediation services* means establishments engaged in the collection, treatment, and disposal of waster materials, including the local hauling of waster materials; operating materials recovery facilities; providing remediation services; and providing septic pumping and other miscellaneous waste management services.

*Wholesale trade* means establishments engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers are organized to sell or arrange the purchase or sale of:

1. Goods for resale;
2. Capital or durable nonconsumer goods;
3. Raw and intermediate materials and supplies used in production.

*Wood product manufacturing* means establishments that manufacture wood products such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes, and prefabricated wood buildings. The term includes sawing, planing, shaping, laminating, and assembling of wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools.

**SECTION 3: That Stillwater City Code, Chapter 23, “Land Development Code”, Article VI, “Land Use Classifications”, Division 3, “Residential Districts”, Section 23-140, “RMI (Multi-Family Intermediate) District”, be amended as follows:**

**Sec. 23-140. - RMI (Multi-Family Intermediate) District.**

a) *Permitted uses.* The following uses are permitted in the RMI Multi-Family Intermediate District:

- 1) Boarding house/rooming house.
- 2) Churches and religious institutions.
- 3) Free-standing self service facilities.
- 4) Multiple-family with a maximum gross density of 30 units per acre.
- 5) Parking lot/garages.

6) Townhome.

7) Two-family (duplex).

7)8) Fraternity or sorority house

- b) Specific use permit. The following uses are permitted by specific use permit in the RMI district:
- 1) Accommodation.
  - 2) Child and adult care services.
  - 3) Educational institutions.
  - 4) Health care and social assistance.
  - 5) Personal and laundry services.
  - 6) Telecommunications tower.
- c) Lot size requirements. The lot size requirements in the RMI district are as follows:
- 1) Minimum lot area: 15,000 square feet.
  - 2) Minimum lot width: 75 feet.
  - 3) Minimum lot depth: 130 feet.
- d) Bulk regulations. Bulk regulation requirements in the RMI district are as follows:
- 1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 50 feet.
  - 2) Setbacks. The following are the minimum required setbacks in the RMI district:
    - a) Minimum front yard:
      - (1) 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      - (2) 10 feet from all property boundaries abutting an alley.
    - b) Minimum side yard:
      - (1) Residential structures: Five feet.
      - (2) All other permitted and specific use permit uses: 25 feet.
    - c) Minimum rear yard: 20 feet.
  - 3) Maximum lot coverage: 40 percent.
- e) Exceptions. The following are the exceptions in the RMI district.
- 1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - 2) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
  - 3) Residential structures not divided into dwelling units shall have densities determined as:
    - ~~a) Each two sleeping rooms for single or double occupancy shall be deemed to constitute one dwelling unit; and~~
    - b)a) Each four beds, in sleeping rooms that contain beds for more than two persons, shall be deemed to constitute one dwelling unit.
- 4) More than one principal residential structure may be located on a lot.
- 5) A structure being built for a fraternity or sorority house shall be built to have a residential appearance, which shall include:
- a) Front porch
  - b) Street facing facades shall be constructed of masonry material (which can include brick, cast stone, stone, EIFS (Exterior Insulation Finishing Systems), and stucco) at least 50 percent of which shall be brick or stone
  - c) A landscape plan shall be submitted, which meets the requirements of 23-230 (f).
- 6) All fraternity and sorority houses shall have a maximum height of 2 stories for any portion of a structure that is within 30 feet of a single-family residential zoning district or use.

(Ord. No. 3180, § 5, 5-21-2012; Ord. No. 3216, § 2, 12-6-2012; Ord. No. 3221, § 11, 2-21-2013)

**SECTION 4: That Stillwater City Code, Chapter 23, “Land Development Code”, Article VI, “Land Use Classifications”, Division 3, “Residential Districts”, Section 23-141, “RMU (Multi-Family Urban) District”, be amended as follows:**

**Sec. 23-141. - RMU (Multi-Family Urban) District.**

- a) *Permitted uses.* The following uses will be permitted by right in the RMU Multi-Family Urban District:
- 1) Boarding house/rooming house.
  - 2) Churches and religious institutions.
  - 3) Free-standing self service facilities.
  - 4) Mixed-use.
  - 5) Multiple-family with a maximum gross density of 50 units per acre.
  - 6) Parking lot/garages.
  - 6)7) Fraternity or sorority house
- b) *Specific use permit.* The following uses are permitted by specific use permit in the RMU district:
- 1) Accommodation.
  - 2) Child and adult care services.
  - 3) Educational institutions.
  - 4) Personal and laundry services.
  - 5) Telecommunications tower.
- c) *Lot size requirements.* Lot size requirements in the RMU district are as follows:
- 1) Minimum lot area: 10,000 square feet.
  - 2) Minimum lot width: 60 feet.
  - 3) Minimum lot depth: 130 feet.
- d) *Bulk regulations.* Bulk regulation requirements in the RMU district are as follows:
- 1) The maximum structure height as measured from the finished floor elevation of the first floor to the highest point of the roof: 50 feet.
  - 2) Setbacks. The following are the minimum required setbacks in the RMU district:
    - a) Minimum front yard:
      - (1) 20 feet from all property boundaries abutting a right-of-way or road/access easement.
      - (2) 10 feet from all property boundaries abutting an alley.
    - b) Minimum side yard:
      - (1) Residential structures: 15 feet.
      - (4)2) Fraternity or sorority houses: When a side yard has a common boundary with property in any single-family residential district or use, the minimum setback is 15 feet. When a side yard has a common boundary with property in any other district or use, the minimum setback is 5 feet.
      - (2)3) All other permitted and specific use permit uses: 25 feet.
    - c) Minimum rear yard: 30 feet.
  - 3) Maximum lot coverage: 60 percent.
- e) *Exceptions.* The following are the exceptions in the RMU district:
- 1) For all structures, the minimum side yard for this district shall be increased an additional three feet for each adjacent story above the first story.
  - 2) Townhomes are exempt from the lot size and lot coverage requirements; any exterior building(s) shall have a minimum side setback of eight feet.
  - 3) Residential structures not divided into dwelling units shall have densities determined as:

- ~~a) Each two sleeping rooms for single or double occupancy shall be deemed to constitute one dwelling unit; and~~
- ~~b)a) Each four beds, in sleeping rooms that contain beds for more than two persons, shall be deemed to constitute one dwelling unit.~~
- 4) More than one principal residential structure may be located on a lot.
- 5) A structure being built for a fraternity or sorority house shall be built to have a residential appearance, which shall include:
  - a) Front porch
  - b) Street facing facades shall be constructed of masonry material (which can include brick, cast stone, stone, EIFS (Exterior Insulation Finishing Systems), and stucco) at least 50 percent of which shall be brick or stone
  - c) A landscape plan shall be submitted, which meets the requirements of 23-230 (f).
- 6) All fraternity and sorority houses shall have a maximum height of 2 stories for any portion of a structure that is within 30 feet of a single-family residential zoning district or use.

**Sec. 23-230. - Generally.**

- a) *Purpose and intent.* These regulations have been adopted for the purpose and intent of:
  - 1) Ensuring minimal conflict between placement of trees and other landscaping, and both overhead and underground utility lines;
  - 2) Providing for landscaping and trees to shade buildings and paved surfaces and to reduce the amount of runoff, erosion, reflected heat, air pollution, wind, and noise;
  - 3) Improving the attractiveness of the city as a place for economic growth and the general safety of developments; and
  - 4) Providing screening between incompatible land uses.
- b) *Tree classification.* The planning commission shall establish classifications of trees by category of small, medium, and large based on growth characteristics for the purpose of implementing this chapter.
- c) *General planting and maintenance standards.* The following requirements set forth in this section are applicable to trees on both public and private property:
  - 1) The requirements for tree and other landscape material locations are:
    - a) Except for areas zoned CB, or in the case of P districts located immediately adjacent to a CB district, trees shall be planted no closer to any public curb or sidewalk than three feet for small trees, four feet for medium trees, and five feet for large trees;
    - b) Except for areas zoned CB, or in the case of P districts located immediately adjacent to a CB district, landscaping and trees shall be planted to maintain clear vision at intersections;
    - c) Trees planted in the public right-of-way must be of a type which will grow tall enough so that they will not block vision of drivers to see other traffic, pedestrians, signage and traffic control devices;
    - d) Landscape material shall be planted in such a way as to not obstruct access to a fire hydrant, utility meters or utility poles;
    - e) Only those trees listed as small trees may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water, sewer, electric, telephone, cable or natural gas line. Any tree which is planted within a dedicated easement will be subject to damage, pruning and removal, as necessary, to allow full utilization of the easement and maintenance of utilities contained therein;

- f) Plant materials being planted to meet landscape requirements of this chapter should be planted during the spring or fall months to improve chances of survival. If all other requirements are met, a certificate of occupancy will be issued for properties which are developed during the other times of the year without the landscape materials being installed, provided, however, that the plant materials must be planted within the first planting season to following completion of construction; and
- 2) The following shall be observed in the care of existing trees:
- a) The city shall have the right to prune, spray, or partially remove trees or shrubs that have originated within or have grown into public rights-of-way, public properties or public easements as may be necessary to protect persons and property, to provide access to public utilities, to provide needed clearances from public utility infrastructure, and to maintain visibility of traffic signals and traffic warning or directional signs. Franchised utilities operating within utility easements shall have the same rights to provide clearance and access to their equipment that is installed within dedicated easements. Whether the work is to be done by the city or a franchised utility, a property owner shall be notified by posted written notice three days prior to work on a tree located on their property or the adjacent street right-of-way, when the trimming involves removing any branch greater than 1½ inches diameter or more than five branches of less than one-half-inch diameter. Persons receiving notice under this section may appeal to the city manager provided that such appeal is taken within three days of posting said notice.
  - b) When plant material is causing an immediate public safety threat or preventing access to a utility that is in imminent danger or is failing, the tree or shrub, or any portion thereof, may be removed to eliminate the immediate threat for emergency and/or public safety purposes without notification to property owners. When such emergency work has been carried out, property owners shall be notified of the work that was done by posted written notice. In the case of major ice storms, tornadoes or other natural disasters, posted written notice will not be left.
  - c) If development plans include preservation of existing trees or other vegetation on site during construction, the building permit plans shall specify the method to be used to protect the trees or vegetation.
  - d) When, on the basis of citizen complaint or observation by the city manager, the city manager determines that a tree poses a safety threat to persons in public ways or adjacent private or public property, the city manager may order the tree, or any portion thereof, to be removed. When the city manager orders removal of a tree on private property, the owner of the property shall be given ten days' written notice to remove the tree. If the tree has not been removed in the specified time, the city shall proceed to have the tree removed and bill the property owner the cost of removal. A lien shall also be placed on the property to recover the cost of tree removal. For the purposes of this chapter, removal shall mean cutting the tree off at ground level. The property owner may appeal the decision to trim or remove the tree to the board of adjustment; provided that such appeal is taken within ten days from the date of notification by the city forester. If such an appeal is made, action to remove the tree shall be stayed until a decision is reached by the board of adjustment.

- e) For purposes of this section, time periods are exclusive of weekends and legal holidays.
- d) *Multiple-family, commercial, and industrial park landscape requirements.* Multiple-family uses shall be considered more than four dwelling units per lot. All new construction, expansion or redevelopment within the city for multiple-family, commercial and industrial park uses, except in the CB zoning district, shall include the provision of landscape areas to provide for the planting of trees and other landscape materials. In all cases, property within this category, including in the CB zoning district, not being used for a structure, parking space, driving aisle, open display area, sidewalk or outdoor storage area shall be maintained as landscape area. Designated or approved landscape areas shall not be used for display or storage of goods or materials.
  - 1) The actual minimum landscape area requirements for a development shall depend on the size of the associated parking area. For parking areas containing between six and 20 parking spaces, inclusive, the only landscape area required shall be the parking area setback requirement. For parking areas of more than 20 spaces, the required landscape area shall be equal to at least nine percent of the developed portion of the lot. Except as follows, the developed portion of the lot shall be considered the entire piece of property being developed:
    - a) The developed portion of the lot shall not include detention or compensatory storage areas when detention and/or compensatory storage requirements are met off of the parking surface.
    - b) When only a portion of a piece of property is being developed, that portion not being developed shall be so designated on the site plan and will not be included in the development area.
    - c) Property beyond any normal setback requirements which lies within a 100-year floodplain, or other drainage channels, and which will not be functioning as part of the detention or compensatory requirements of the site, may be designated, in whole or in part, as part of the developed area by the applicant provided that a sufficient amount of landscape area is distributed across the entire site. Because each site will be different, it will be up to the applicant and staff to agree on what is sufficient in a given case. In general, staff will be looking to see that the intent of this chapter is being met and that landscaping will not be concentrated away from public portions of the site. When an agreement cannot be reached, the planning commission shall make the final determination.
  - 2) Landscaping areas within the occupant, customer and/or employee parking area of a development, shall be located in such a way as to meet the requirements set forth in this subsection. The following requirements do not apply to areas designated for open display:
    - a) Landscape areas shall be located so that at least 60 percent of the trees planted to meet the point requirements on the site can be located within ten feet of the paved parking area.
    - b) When a parking area is to provide parking for more than 100 vehicles, landscape islands shall be provided at the ends of the rows of parking to separate the parked vehicles from an adjacent driving aisle.
    - c) Landscape areas shall be placed so that at least a portion of every parking space is within 59 feet of the parking area setback area or another landscape area meeting the minimum area requirement. The distance a parking space may be from a landscape area may be increased by one foot for each additional 30 square feet of area contained within a landscape area which is surrounded on all sides by paved

parking area; provided, however, that in no case shall the distance between a parking space and a landscape area exceed 80 feet.

- 3) Landscape area size requirements are described as follows:
  - a) The width of parking lot landscape areas shall be measured exclusive of any curbing or bumper blocks.
  - b) The standard, minimum width of a landscape area shall be four feet. At the end of a row of 90-degree parking spaces that are next to a setback area, the setback area may be reduced to two feet to facilitate backing out from a parking space. Also, specific points of other landscape areas may be reduced to as narrow as two feet to meet design requirements. Landscape areas placed parallel to a parking space, or at the end of a row of parking spaces shall be no less than two feet shorter than the paved length of the parking stall. Except for the buffer strip areas, landscape areas that have bumper overhang shall have a minimum of four feet of width in addition to the bumper overhang.
  - c) A landscape area placed parallel to a parking space, or at the end of a row of parking, shall be a minimum of 80 square feet, if one parking stall in length, and 165 square feet if two stalls in length. Any other landscape areas shall be a minimum of 80 square feet in size.
- 4) To provide flexibility in designing the best landscape plan for each site, no specific materials or locations are required for landscaping by these regulations.
  - a) Developments shall include landscape material from the following list, in any combination, such that the total points received for the development equal at least 50 points per 100 square feet in all areas:
    1. Berms, minimum 30 inches tall earn five points per ten linear feet.
    2. Turf shall earn ten points per 100 square feet.
    3. Vegetative ground cover (other than natural turf or sod) shall earn 25 points per 100 square feet of cover.
    4. Small shrubs (mature height of four feet) shall earn 25 points each.
    5. Large shrubs (mature height over four feet) shall earn 75 points each.
    6. Trees of one-inch caliper or greater at the time of planting which are classified as follows:
      - i. Small trees earn 100 points;
      - ii. Medium trees earn 150 points and shall be designated by a scaled 20-foot diameter circle;
      - iii. Large trees earn 200 points and shall be designated by a scaled 35-foot diameter circle;
      - iv. Evergreen trees shall be designated by a scaled 20-foot diameter circle.
    7. Preservation of existing trees will earn the same base points as new trees based on the size classification of tree. For trees over four-inch caliper, an additional 20 points will be awarded for each inch of caliper over four, up to double the point value of the tree. (For example: saving a tree which is classified in the large tree category will earn 200 points; if the tree measures to be eight-inch caliper, an additional 80 points will be awarded.) The diameter of the tree shall be measured at 4½ feet above the ground.
    8. Any plant materials installed to meet the requirements of this chapter which die, or are otherwise removed, must be replaced with plant materials which will earn at least the same number of points.

If the replacement materials are to be located more than 20 feet from where the previous materials had been, a revised landscape plan shall be submitted to the city planner for administrative review and approval.

- b) Site plan designation. Site plans shall be labeled with the number of square feet contained within each landscape area. The landscaping shown on site plans shall specify the vegetation according to the categories listed below. Symbols shall be used to identify planting sites for landscape materials as designated below, and standard sizes shall be used for trees. Landscaping in addition to that shown on the site plan is encouraged and will not be a violation of the site plan. The required site plan designations shall be:
  - 1. "Berm," and the contour thereof at 30 inches of height;
  - 2. "TF" for turf;
  - 3. "GC" for vegetative ground covers;
  - 4. "SS" for small shrubs;
  - 5. "LS" for large shrubs;
  - 6. "ST" for a small tree;
  - 7. "MT" for a medium tree;
  - 8. "LT" for a large tree; and
  - 9. "EV" for evergreen trees.
- 5) Plans submitted for building permits for these developments shall include the information required by this section in sufficient detail to evaluate compliance with these regulations. For those developments which require city council site plan approval prior to the issuance of a building permit, a conceptual landscape plan shall be included with the site plan. The minimum requirements for this conceptual landscape plan include:
  - a) The location of all landscape area;
  - b) The calculations showing compliance with the minimum landscape area requirements and what the minimum point requirements are for plan material;
  - c) An illustration of the concept which will be used in placement of landscape materials by area across the site (i.e., the approximate number and size as well as the general location of trees, shrubs, and ground covers); and
  - d) Existing trees which will be preserved.

In approving any site plan ~~reviewed by~~ the planning commission and/or city council, ~~they~~ may reserve the right to review the final landscape plan prior to the issuance of a building permit.

- e) *Visual barriers and transitional yards.* Visual barriers and/or transitional yards are to be provided as required in this subsection to help separate more intense land uses from less intense ones, and to screen some uses from view. The visual barrier may have openings of reasonable length to accommodate driveways and walkways.
  - 1) Certain districts of more intense use are to have visual barriers installed when they abut districts of less intense use.
    - a) In such cases, visual barriers are not required when parking lots abut one another, no matter what zoning district.
    - b) When the office district abuts an RSS, RSL, RT or RM district, a visual barrier is required on the property zoned office district.

- c) When CS, CB, CG, IL or IG district abuts an RSS, RSL, RMH, RT or RM district, a visual barrier is required on the property zoned CS, CB, CG, IL or IG district.
  - d) Separation of properties by an alley, right-of-way or road easement does not exempt such properties from these requirements.
- 2) Wherever any provision of his chapter requires the construction and maintenance of a visual barrier or transitional yard as a condition for initiating and subsequently continuing any use, such barrier or yard shall be constructed and maintained on the lot containing or proposed to contain such use, in accordance with the provisions of this section. When the area required to have a visual barrier is within a utility easement, the visual barrier shall be constructed as required in this subsection. When located within a dedicated easement, the materials used to construct the visual barriers may be removed without liability for replacement by a public utility, or private contractor representing a public utility, to gain access for the installation, removal, extension or repair of utility lines and equipment. Such barriers and yards shall also make provision for easy access to meters, transformers, junction boxes, and other utility equipment commonly found in utility easements. Visual barriers shall not impede access to dumpsters and access by emergency personnel. Locations and situations where visual barriers or transitional yards are required include the following:
  - a) As may be required as a condition of approval of a site plan for a specific use or planned unit development;
  - b) Along the frontage of a principal or minor arterial street where there is open storage of equipment, machinery, materials, products, supplies, vehicles or work in progress which is not otherwise screened from the street by building, except for temporary uses, and except for the display and sale or rental of operable motor vehicles, recreational vehicles, trailers, mobile homes, boats, aircraft, construction equipment and farm machinery in the districts where permitted; and
  - c) Along certain portions of district boundaries, provided also that where a lot falls within the provisions of this subsection, no part of such lot that is within 100 feet of the abutting property shall be developed, used, or subsequently maintained for any use that is not a use of right in the district in which the abutting property is located or in an RM district, unless and until there is provided on such lot a visual barrier meeting the requirements of this section.
- 3) The purpose of visual barriers and transitional yards is to provide separation between uses and screen potentially unsightly areas. These goals can be met in a variety of ways described as follows:
  - a) When a visual barrier is required for the purpose of screening outdoor storage areas, the provided barrier shall be at least 80 percent opaque, and not less than six feet high above the highest point within ten feet of either side of the property line, exclusive of any earth berms created to satisfy this requirement.
  - b) When a visual barrier or transitional yard is required to provide separation between land uses, the design of the barrier or yard shall follow the guidelines set forth in this subsection. The type of materials used to provide the visual barrier will vary depending upon the width of the transitional yard.
    - 1. A yard width up to five feet shall require a visual barrier that is at least 75 percent opaque up to four feet, and 60 percent opaque

between four and six feet above the height of the highest point within ten feet of either side of the property line, exclusive of any earth berms created to satisfy this requirement.

2. A yard width over five feet and up to ten feet wide shall require a visual barrier that is at least 70 percent opaque up to three feet, and 50 percent opaque between three and six feet tall above the height of the highest point within ten feet of either side of the property line, exclusive of any earth berms created to satisfy this requirement.
  3. A yard width over ten feet shall require a visual barrier that is at least 70 percent opaque up to three feet, and 40 percent opaque up to five feet tall above the height of the highest point within ten feet of either side of the property line, exclusive of any earth berms created to satisfy this requirement.
- c) Visual barriers may consist of any combination of earth berms, shrubs, trees, fences, and other natural and decorative man made materials. Where vegetation is used to provide the visual barrier it shall immediately provide at least 50 percent of the required screening and will be given two years from the date of installation to achieve the height and coverage designated for the given screen or transitional yard. When vegetation is proposed to provide the required visual barrier, the plans for the development shall specify the types of plant material to be used in order to evaluate whether or not the proposed plant material can meet the screening requirement.

d) All properties within the city shall be required to meet these requirements within one year of April 15, 2008.

f) Fraternity or Sorority House. A landscape plan with at least one (1) tree and ten (10) shrubs per 30 feet of lineal frontage

1) Corner lots shall provide landscaping for both front yards.

4)2) The landscaping shall be a minimum requirement for the lot, which can be clumped or spread throughout the parcel.

**SECTION 2: REPEALER.** All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION 3: SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
WILLIAM H. JOYCE, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
KIMBERLY CARNLEY, CITY ATTORNEY

First Reading:  
Second Reading:

DRAFT

STILLWATER PLANNING COMMISSION SUMMARY  
REGULAR MEETING OF JANUARY 6<sup>TH</sup>, 2025  
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING  
LAW, THE AGENDA WAS POSTED January 2<sup>ND</sup>, 2026 IN THE  
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

MEMBERS PRESENT

Jana Phillips, Chair  
Riley Williams, Vice Chair  
Mark Prather, Member  
Mike Shanahan, Member  
David Peters, Member

MEMBERS ABSENT

STAFF PRESENT

Kim Payne, Assistant City Attorney  
Henry Bibelheimer, Senior City Planner  
David Barth, Development Services Director  
Alexandria Holle-Maged, Administrative Assistant

Staff Absent

Joshua Brown, Project Coordinator

1. CALL MEETING TO ORDER.

Chair Phillips called the meeting to order at 5:30 pm.

2. GENERAL ORDERS

- a. Review and possible approval of an alternative compliance for building facade material/symmetry for property addressed as 229 S. Knoblock in the Form Based Code Transect 6 (T6) district.

Mr. Henry Bibelheimer, Sr. Planner presents staff report on the proposed remodeling of the former Marble Slab Creamery into a bank.

Mr. Bibelheimer states findings:

- The current Form-Based Code requires street-facing facades to be symmetric and prohibits "blank walls," requiring active windows or doors along the frontage.
- The existing building features a centered door with symmetrical windows on either side.
- The proposed remodel maintains the centered door but replaces the right-hand windows with an ATM and a night dropbox.

Commissioner Prather asked staff to clarify how this request was distinguishable from a true "blank wall" scenario. Discussion is held regarding the concern that approving the request might unintentionally set a precedent for "inactive facades" in other areas.

Mr. Bibelheimer responded that while a "blank wall" is typically a solid, featureless surface like a jail wall, this proposal maintained intentionality; and states the facade remained broken up by the ATM, the dropbox, and the surrounding materials, which provided a focal point rather than a solid wall.

Mr. Austin Drum, 508 S Boston Tulsa OK, Architect with Inventure comes to speak on the following:

- Stated that they were looking at some alternative design ideas such as adding a window over the ATM area.

- Explained that the design was driven by the bank's internal program, which includes a hospitality space for OSU students to study.

Chair Phillips asked the architect if they had considered placing the ATM inside a 24-hourglass vestibule to preserve the existing glass facade. Mr. Drum responds that a vestibule would consume too much interior space designated for student study areas; noted that meeting ADA requirements for a vestibule on the sloping sidewalk would be difficult; and argued that the exterior ATM was safer because a user would not be trapped in a single-entry room with someone behind them.

Chair Phillips countered that ADA compliance is still achievable even if it requires more space; also noted that regarding safety, an argument could be made for either side; while the applicant preferred the "method to run" outside, believes a user might actually feel "more exposed" on the exterior sidewalk.

Vice Chair Williams then suggested that a "spandrel" or transom window be added above the ATM to match the height of the windows on the opposite side. Mr. Drum agreed this was architecturally feasible.

Chair Phillips asked about the specific materials shown in the rendering. Mr. Drum identified them as wood-look panels and a vinyl-on-metal graphic for the bank branding.

Chair Phillips invites staff to present alternatives

Mr. Bibelheimer presents the findings and alternatives, which are:

1. Accept findings and approve the façade/design as presented for alternative compliance with the Form Based Code.
2. Deny the request for an alternative design as presented.
3. Table the request to a future meeting.

Commissioner Peters noted that the ATM unit appeared to be roughly the same size as the windows on the left side of the door; and asked if the ATM could be shifted to allow for symmetrical windows surrounding the door.

Mr. Drum explained that interior clearances and a remote Fire Department Connection (FDC) limited the placement.

**Vice Chair Williams moved to approve the application with the stipulation of adding a window above to ATM to match the symmetry of the other side. Commissioner Peters seconds.**

Roll Call:	Phillips	Williams	Prather	Shanahan	Peters
	Yes	Yes	Yes	Yes	Yes

*Time: 18 minutes*

### 3. PUBLIC HEARING

- a. Receive public comment regarding a Text Amendment to Stillwater City Code Chapter 23, Land Development Code, Article I General Provisions, Section 23-7, Definitions; Article V, Use Categories and Limitations, Division 1, Generally, Section 23-96, Definitions; and Article VI, Land Use Classifications, Division 3, Residential Districts, Section 23-140, RMI

(Multi-Family Intermediate) District, and Section 23-141 RMU (Multi-Family Urban) District.

Mr. Bibelheimer presents staff's report which seeks to reclassify fraternity and sorority houses from a general term to a "use" within the code. Key proposed changes include:

- Definition Update: Identifying houses as organizations recognized by a university chapter.
- Setbacks: Establishing consistent 5-foot or 15-foot side-yard setbacks in RMU districts to match RMI standards.
- Design Standards: Requiring a "residential appearance," including front porches, 50% brick or stone masonry on facades, and specific landscaping minimums (one tree and ten shrubs per 30 linear feet).
- Height Restrictions: Requiring a height "step-down" to two stories when a structure is within 30 feet of a single-family residential district.

Chair Phillips raised concerns regarding the provision allowing houses built before 2025 to be rebuilt or enlarged without conforming to new standards; and suggested it would allow owners to bypass new requirements indefinitely.

Mr. Bibelheimer acknowledged the point and suggested the language could be revised.

Discussion is held regarding that while current structures are grandfathered, any future rebuild or enlargement should be required to meet the new compliance standards; questioned the decision to place landscaping requirements within the "Use" definition rather than the dedicated Landscaping Section of the city code; and asked how a developer would know where to find the correct criteria.

Mrs. Kim Payne, Asst. City Attorney explained the city is moving toward a "one-stop-shop" model where all requirements for a specific use are in one place.

Chair Phillips asked if Greek houses would be exempt from the city's standard landscaping "point system." Mr. Bibelheimer confirmed they would be.

Chair Phillips replied that this is not "industry standard" and expressed concern that it would be confusing for developers who expect to find landscaping rules in the landscaping section.

David Barth, Development Services Director, explained that the current landscaping ordinance is based on a point system that allows developers to meet requirements solely by "putting down so"; noted that for massive structures near the campus, want to ensure higher quality landscaping than what the current system permits; and while these requirements could have been added to the existing landscaping section, state that doing so, would have required a massive overhaul of that portion of the code, which is already scheduled for an eight-month revision process.

Mr. Barth continued that the current goal is to consolidate all requirements for a specific zoning district or use into one section to eliminate the need for cross-referencing; and the current code is "complicated and confusing" due to conflicting multi-location mentions and that the city intends to make the process easier for developers.

Chair Phillips suggested that the most professional and least confusing "housekeeping" method would be to leave the specific Greek housing rules in the new section but add a reference in the general landscaping section directing users to the specific requirements.

Mr. Bibelheimer agreed that the language could be clarified to ensure developers realize these new rules override the standard point system; and further noted that this eight-month period would serve as a "test pilot" for this new method of measuring landscaping.

Chair Phillips opens the public hearing and asks if anyone would like to speak in favor of the item; none respond. Chair Phillips asks if there is anyone that wishes to speak in to speak in opposition; none respond. Chair Phillips asks for findings and alternatives.

Mr. Bibelheimer presents findings and alternatives.

Findings:

1. The proposed text amendment updates how the City regulates fraternity or sorority houses.
2. The proposed text amendment updates the definition of fraternity or sorority house and moves the definition to the use categories.
3. The side setback for fraternity and sorority houses in the RMU zoning district is proposed to be reduced to align with the side yard setback requirements in RMI.
4. Design standards for fraternity and sorority houses are proposed to be incorporated into the RMI and RMU district, to ensure a quality residential design.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that additional information or discussion is needed prior to making a recommendation and table the request to a future Planning Commission meeting.
3. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

Mr. Bibelheimer adds the alternative to conditionally approve the text amendment with discussed modifications.

Commissioner Prather expressed an inclination toward conditional approval but sought clarification on the landscaping provisions.

Discussion is held that the Commission was generally satisfied with the proposed landscaping language, provided that a future update to the general landscape code would include a specific reference back to these new requirements for sororities and fraternities.

Mr. Bibelheimer agreed that this was the intended direction.

Chair Phillips reiterated that the intent of the "grandfathering" language found in sections 23-140 and 23-141 (E7) should be to protect current structures as they exist, while requiring any future modifications or rebuilds to comply with the new code standards.

The Commission debated whether simply striking Section E7 entirely would achieve this goal.

Ms. Payne noted that "grandfathering" for existing structures is often automatic under general code principles.

Chair Phillips suggested that if Section E7 were removed, any existing structure would remain in compliance as-is, but any future construction or rebuild would be forced to meet the new standards. The Commission and staff agreed that striking E7 on both sections appeared to satisfy the Commission's requirements.

Mr. Bibelheimer presented the option to table the item to allow for refined wording.

**Vice Chair Williams moved to table to item to the January 27<sup>th</sup> Planning Commission, Commissioner Peters seconds.**

Roll Call:	Phillips	Williams	Prather	Shanahan	Peters
	Yes	Yes	Yes	Yes	Yes

*Time: 28 minutes*

4. MEETING SUMMARY FOR REVIEW AND POSSIBLE ACTION.

- a. Regular meeting summary of December 16<sup>th</sup>, 2025.

Chair Phillips asks if there are any changes and/or additions; none respond.

**Vice Chair Williams moved to approve the minutes as presented. Commissioner Shanahan seconds.**

Roll Call:	Phillips	Williams	Prather	Shanahan	Peters
	Yes	Yes	Yes	Yes	Yes

*Time: 1 minute*

4. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION:

- a. Next Regular Meeting is January 27<sup>th</sup>, 2025.

5. ADJOURN

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Prather, seconded by Commissioner Shanahan at approximately 6:18PM on January 6<sup>th</sup>, 2026. The next regularly scheduled meeting will be held Tuesday, January 27<sup>th</sup>, 2026, at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by Alexandria Holle-Maged, Administrative Assistant  
Reviewed by Cindy Gibson, Administrative Services Manager

Approved by - \_\_\_\_\_  
Stillwater Planning Commission